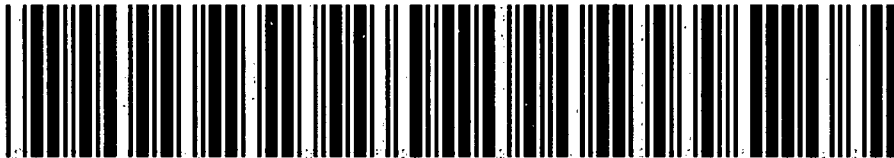


# EXHIBIT A

## PROCESS SERVER DELIVERY DETAILS

**Date:** Fri, Jun 5, 2020  
**Server Name:** Guy Connelly  
**Location:** Plano, TX-DAL

Entity Served	ANDEAVOR LLC
Agent Name	C T CORPORATION SYSTEM
Case Number	2020-CI-07653
Jurisdiction	TX-DAL



Case Number: 2020-CI-07653



2020CI07653 S00002

**WALTER SCOTT****VS.****TESORO REFINING & MARKETING CO LLC ET AL**

(Note: Attached Document May Contain Additional Litigants.)

 IN THE DISTRICT COURT  
 438th JUDICIAL DISTRICT  
 BEXAR COUNTY, TEXAS
**CITATION**

"THE STATE OF TEXAS"

Directed To: ANDEAVOR LLC

BY SERVING ITS REGISTERED AGENT, CT CORPORATION SYSTEM

"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this CITATION and ORIGINAL PETITION, a default judgment may be taken against you." Said ORIGINAL PETITION was filed on the 23rd day of April, 2020.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 11TH DAY OF MAY A.D., 2020.

 ANTHONY G BUZBEE  
 ATTORNEY FOR PLAINTIFF  
 600 TRAVIS ST 7300  
 HOUSTON, TX 77002-3009

 Mary Angie Garcia  
 Bexar County District Clerk  
 101 W. Nueva, Suite 217  
 San Antonio, Texas 78205
By: *Laura Castillo*, Deputy
 WALTER SCOTT  
 VS  
 TESORO REFINING & MARKETING CO LLC ET AL
**Officer's Return**
 Case Number: 2020-CI-07653  
 Court: 438th Judicial District Court

I received this CITATION on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. and ( ) executed it by delivering a copy of the CITATION with attached ORIGINAL PETITION the date of delivery endorsed on it to the defendant, \_\_\_\_\_ in person on the \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. at \_\_\_\_\_ or ( ) not executed because \_\_\_\_\_

Fees: \_\_\_\_\_ Badge/PPS #: \_\_\_\_\_ Date certification expires: \_\_\_\_\_

\_\_\_\_\_, County, Texas

By: \_\_\_\_\_

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS

 4/15/20  
 NOTARY PUBLIC, STATE OF TEXAS

OR: My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_, \_\_\_\_\_ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Declarant

RETURN TO COURT (DK002)

Case Number: 2020-CI-07653



2020CI07653 S00002

**WALTER SCOTT****VS.****TESORO REFINING & MARKETING CO LLC ET AL**

(Note: Attached Document May Contain Additional Litigants.)

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438th JUDICIAL DISTRICT  
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WALTER SCOTT  
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**Officer's Return**

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Fees: \_\_\_\_\_ Badge/PPS #: \_\_\_\_\_ Date certification expires: \_\_\_\_\_

\_\_\_\_\_, County, Texas

By: \_\_\_\_\_

OR: VERIFICATION OF RETURN (If not served by a peace officer) SWORN TO THIS \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

OR: My name is \_\_\_\_\_, my date of birth is \_\_\_\_\_, and my address is \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_ County.

I declare under penalty of perjury that the foregoing is true and correct. Executed in \_\_\_\_\_ County, State of Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Declarant

ORIGINAL (DK002)



for workers to load rigs, like Plaintiff. The result of this mixture created an extremely slippery surface, which Plaintiff would be forced to negotiate in order to complete his loading procedure and pre-trip inspection. While circling around his truck, Plaintiff lost his footing and fell. But, the lane was so slippery that Plaintiff did not fall directly to the ground—Plaintiff desperately attempted to maintain his balance and in the process, was caught in his tractor's hose. As he was ensnared, he continued to fall. The force of Plaintiff's tangled fall caused Plaintiff's knees, shoulder and back to "pop," and Plaintiff landed facedown. Plaintiff blacked out thereafter. When he awoke, Plaintiff was suspended above the ground by his tangle, with only the brim of his hard hat keeping his face from the submerging in the mud.

Shortly after Plaintiff awoke, Plaintiff was assisted by Defendant Tesoro's personnel to help extricate Plaintiff from his entanglement. It took three (3) Tesoro/Andeavor personnel and several minutes to free Plaintiff because of the slippery surface and entangled hose. The force of the fall immediately caused Plaintiff pain to both of his knees, his shoulder, his back and his head. After this incident, Plaintiff sought medical treatment for his injuries. Plaintiff continues to treat and have a long road to recovery.

## **II. DISCOVERY LEVEL**

Plaintiff intends to conduct discovery under Level 2 of the Texas Rules of Civil Procedure Rule 190.3 and affirmatively plead that they seek monetary relief of in excess of the jurisdictional limits of this Honorable Court.

## **III. PARTIES**

Plaintiff is an individual residing in Sacramento, California.

Defendant Tesoro Refining & Marketing Company, LLC is a foreign limited liability company doing business in Texas. It may be served by and through its registered agent: 1999 Bryan St., Suite 900, Dallas, Texas 75201.

Defendant Andeavor LLC is a foreign limited liability company doing business in Texas. They may be served through their registered agent: CT Corporation System at 1999 Bryan St., Suite 900, Dallas, Texas 75201. Its headquarters are located in Bexar County, Texas.

#### **IV. JURISDICTION AND VENUE**

This Court has jurisdiction over the Defendants, whom are all registered to do business and actually do business in Texas. Venue is proper in Bexar County because Defendant Andeavor LLC maintains its principal office in this County. Removal is not proper under 28 U.S.C. 1441(b).

#### **V. CAUSES OF ACTION**

##### **1. *NEGLIGENCE***

Plaintiff re-alleges each aforementioned allegation. Defendants owed a duty of reasonable care to the Plaintiff. Defendants breached the duty of reasonable care in one or more of the following non-exclusive ways, among others:

- a. Failing to institute and enforce precautionary measures to protect individuals working on the premises and work site;
- b. Failing to properly and timely fix, and warn of, any job hazards;
- c. Failing to safely schedule and/or plan the work;
- d. Failing to ensure the loading terminal was free and clear of potential hazards prior to allowing any personnel onto it;
- e. Failing to ensure safety personnel were in place;
- f. Failure to follow process safety measures as required by the industry standard;

- g. Failure to reasonably carry out duties as per the contracts in place;
- h. Failing to properly train and/or supervise those on site; and
- i. Failing to maintain a safe work environment for contractors at the facility.

Each of these acts and omissions, singularly or in combination with others, constitute negligence which was the proximate cause of this incident and Plaintiff's injuries.

## **2. GROSS NEGLIGENCE**

Plaintiff re-alleges each aforementioned allegation. Plaintiff will further show that the acts and/or omissions of each Defendant, when viewed objectively from Defendant's standpoint, involve an extreme degree of risk considering the probability and magnitude of the potential harm to others, namely those on the work site. Defendants had actual subjective awareness of the risk involved, but nevertheless proceeded in conscious indifference to the rights, safety, and/or welfare of others, including Plaintiff. Specifically, Defendants knew the lane was full of excess product that could pose an extreme risk to contractors. The Golden Eagle Facility maintained a reputation of "poor housekeeping," of which the most recent consequence of the facility's poor condition was Plaintiff's injury. Defendants knew of the poor condition of the facility and the loading terminal lanes but did not care.

Defendants knew or should have known of the risk or risks associated, and each Defendant's actions and omissions constitute gross negligence and malice as those terms are understood by law. Therefore, Plaintiff prays that punitive damages be awarded against Defendants. Plaintiff would show that nothing Plaintiff did, or failed to do, in any way contributed to this incident.

## **VI. DAMAGES**



Plaintiff brings this lawsuit to recover for injuries sustained as a result of this incident. Plaintiff seeks damages for physical impairment in the past and future, pain and suffering in the past and future, mental anguish in the past and future, medical expenses in the past and future, loss of earning capacity in the past and future, and loss of household services in the past and future. Plaintiff also seeks punitive damages in such amount as may be found proper and just under the facts and circumstances as determined by the jury. Further, Plaintiff seeks court costs, as well as pre-judgment and post-judgment interest at the appropriate rate allowed by law.

All conditions precedent have been performed or have occurred.

**VII. JURY DEMAND**

Plaintiff respectfully demands a jury trial and tender the appropriate fee.

**VIII. REQUESTS FOR DISCLOSURE**

Plaintiff requests that each Defendant disclose, within fifty days of service of this Request for Disclosure, the information and material described in Rule 194.2.

**IX. APPLICATION OF CALIFORNIA LAW**

California law applies to this lawsuit. The injury occurred in California. The conduct leading to the injury occurred in California. The relationship between the parties is centered in California. California has the most significant relationship with this incident, and, as such, California law applies.

**X. PRAYER**

For these reasons, Plaintiff prays that Defendants be cited to appear and answer, and that Defendants are joint and severally liable for the following:

- a. Physical pain and suffering in the past and future;
- b. Mental anguish in the past and future;
- c. Physical impairment in the past and future;

- d. Medical expenses in the past and future;
- e. Loss of consortium and companionship in the past and future;
- f. Loss of earning capacity in the past and future;
- g. Loss of household services in the past and future;
- h. Punitive damages in such amount as may be found proper and just under the facts and circumstances as determined by the jury;
- i. Cost of suit;
- j. Prejudgment and post-judgment interest; and
- k. All other relief to which Plaintiff may be justly entitled.

Respectfully submitted,

**THE BUZBEE LAW FIRM**

By: /s/ Anthony G. Buzbee

Anthony G. Buzbee

State Bar No. 24001820

Ryan S. Pigg

State Bar No. 24088227

Ben Agosto III

State Bar No. 24091926

JPMorgan Chase Tower

600 Travis Street, Suite 7300

Houston, Texas 77002

Tel: (713) 223-5393

Fax: (713) 223-5909

[www.txattorneys.com](http://www.txattorneys.com)

**ATTORNEYS FOR PLAINTIFF**